

2202-25-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of
Ernest S. Richards

Serial No.: 09/761,133

Filed: January 16, 2001

For: ELECTRONIC IDENTIFIER

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APR 12 2005

Examiner Syed Zia
Group Art Unit: 2131

AMENDMENT

This is in response to the Office Action dated January 26, 2005 in the above-identified application.

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reference.

Claims 2-21 add additional subject matter to the method of Claim 1 and clearly by definition patentably distinguish over the Fischer reference.

Claims 23-37 add additional subject matter to Claim 22 and by definition clearly patentably distinguish over the Fischer reference.

The purported addition of U.S. Pat. No. 6,779,024 - DeLaHuerger ("DeLaHuerger") to the Fischer reference does not anticipate nor make obvious Applicant's claimed invention as set forth in Claims 1, 22 and 38. There is no suggestion in either of these references of a motivation to combine the two references. The mere fact that they are both in the computer field is not a sufficient motivation to combine them. Everything in the field of computers is not automatically combinable, otherwise nothing would be patentable. Since the independent Claims 1, 22 and 38 patentably distinguish over the combination of Fischer and DeLaHuerger, the dependent claims, by definition, must also patentably distinguish over the purported combination of these two references.

In view of the above, it is respectfully submitted that this application with Claims 1-38 is allowable over the art of record. An early office action toward that end is earnestly solicited.

If an extension of time is necessary for this Response to be timely filed, Applicant hereby requests an extension of time to make this Response timely filed.

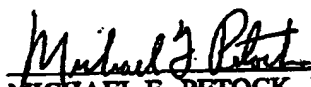
Authorization is hereby given to charge to undersigned's deposit account no. 16-1428 all required fees in connection with the request for extension of time or in connection with any other fees that may be due as a result of the filing of this Response. You are hereby

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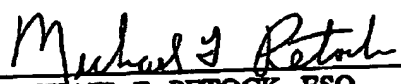
authorized to charge the correct amount of the fee and/or to credit any overpayment to the undersigned's deposit account no. 16-1428. A claim for small entity status has been previously filed in this application.

Respectfully Submitted,


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Certificate of Facsimile

I hereby certify that this correspondence is being facsimile transmitted to facsimile no. (703) 872-9306 at the United States Patent and Trademark Office on the date shown below.


MICHAEL F. PETOCK, ESQ. 4/12/05
DATE

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PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2000

Application or Docket Number

09/76/133

CLAIMS AS FILED - PART I

(Column 1) (Column 2)

TOTAL CLAIMS		
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	37 minus 20=	17
INDEPENDENT CLAIMS	2 minus 3 =	
MULTIPLE DEPENDENT CLAIM PRESENT		<input type="checkbox"/>

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

(Column 1) (Column 2) (Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	38	37	1
Independent	3	3	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>

(Column 1) (Column 2) (Column 3)

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total			
Independent			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>

(Column 1) (Column 2) (Column 3)

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total			
Independent			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

RATE	FEE	RATE	FEE
BASIC FEE	355.00	BASIC FEE	710.00
X5 9=	153	X5 9=	
X40=		X40=	
+135=		+135=	
TOTAL	508	TOTAL	

RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
X5 9=	25	X5 9=	
X40=		X40=	
+135=		+135=	
TOTAL	25	TOTAL	

RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
X5 9=		X5 9=	
X40=		X40=	
+135=		+135=	
TOTAL		TOTAL	

RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
X5 9=		X5 9=	
X40=		X40=	
+135=		+135=	
TOTAL		TOTAL	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.